

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KATERINA GEORGIU, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

HARMON STORES, INC.,

Defendant.

CIVIL CASE MANAGEMENT PLAN

Case No. 2:22-cv-02861-BMC

COGAN, District Judge

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Federal Rules of Civil Procedure 16 and 26(f).

A. The case is to be tried to a jury.

B. Non-Expert Discovery:

1. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of New York. All non-expert discovery is to be completed by _____, which date shall not be adjourned except upon a showing of good cause and further order of the Court. Interim deadlines for specific discovery activities may be extended by the parties on consent without application to the Court, provided the parties are certain that they can meet the discovery completion date.

Plaintiff proposes that fact discovery be completed by October 31, 2023. The defendant has proposed a bifurcated discovery plan. However, class discovery is necessary for making a motion for class certification. Limiting discovery to the defendant's not-yet-defined "class discovery" may result in not obtaining sufficient information necessary to make a motion for class certification. Moreover, a bifurcated discovery plan will only serve to delay this case.

Defendant proposes a bifurcated one-year discovery schedule with the first phase limited to discovery for purposes of class certification motion practice, and, thereafter, if a class is certified, full class-wide discovery. Defendant has included proposed interim deadlines for

the first phase in Attachment A. Defendant's position is that that interim deadlines for the second phase should be set from the Court's decision on any motion for class certification and that their length should depend on whether the Court grants or denies that motion.

2. Joinder of additional parties must be accomplished by March 20, 2023.

3. Amended pleadings may be filed without leave of the Court until March 20, 2023.

C. For all causes of action seeking monetary damages, each party shall identify and quantify in Attachment B, annexed hereto, each component of damages alleged; or, if not known, specify and indicate by what date Attachment B shall be filed providing such information.

D. Motions:

1. Upon the conclusion of non-expert discovery, and no later than the date provided below, the parties may file dispositive motions. The parties shall agree to a schedule and promptly submit same for the Court's approval, providing for no more than three rounds of serving and filing papers: supporting affidavits and briefs, opposing affidavits and briefs, and reply affidavits and briefs.

2. The last day for filing a letter, pursuant to Rule III.A.2 of the Court's Individual Practices, requesting a premotion conference in order to file dispositive motions shall be _____.

Plaintiff proposes within 30 days after the the end of discovery, or the Court's decision on a motion for class certification, whichever is later.

To the extent the Court accepts Defendant's proposed one-year bifurcated discovery schedule, **Defendant proposes** 30 days following the end of the second phase of discovery.

a. There shall be no cross-motions. Any motions not made by the agreed date shall, unless the Court orders otherwise, not be considered until after the timely-filed motion is determined.

b. Papers served and filed by the parties shall conform to the requirements set out in the Court's Individual Practices.

E. Any request for relief from a date provided in this Case Management Plan shall conform to the Court's Individual Practices and include an order, showing consents and disagreements of all counsel, setting out all dates that are likely to be affected by the

granting of the relief requested, and proposed modified dates. Unless and until the Court approves the proposed order, the dates provided in this Plan shall be binding.

F. Pre-Trial Motions:

1. Applications for adjournments and for discovery or procedural rulings will reflect or contain the positions of all parties, as provided by the Court's Individual Rules, and are not to modify or delay the conduct of discovery or the schedules provided in this Case Management Plan except upon leave of the Court.

SO ORDERED.

Dated: Brooklyn, New York
January ____, 2023

U.S.D.J.

ATTACHMENT A

The Parties are to list the discovery activities (i.e., production of documents, number of depositions, requests to admit, interrogatories) and anticipated completion dates:

DISCOVERY ACTIVITIES	COMPLETION DATE
1. Requests for production of documents	<p>Plaintiff proposes that First Requests for Production of documents be served on or before 2/1/2023 and responded to on or before 3/1/2023.</p> <p>To the extent the Court accepts Defendant's proposed bifurcated discovery schedule, Defendant proposes April 18, 2023 for the first phase, and for the second phase, 90 days after the Court's decision granting any motion for class certification, or 45 days after the Court's decision denying any such motion.</p>
2. Interrogatories	<p>Plaintiff proposes that First Interrogatories be served on or before 2/1/2023 and responded to on or before 3/1/2023.</p> <p>To the extent the Court accepts Defendant's proposed bifurcated discovery schedule, Defendant proposes April 18, 2023 for the first phase, and for the second phase, 90 days after the Court's decision granting any motion for class certification, or 45 days after the Court's decision denying any such motion.</p>
Good Faith Meet and Confer	<p>Plaintiff proposes that the parties meet and confer, if necessary, regarding the responses to interrogatories and document requests on or before 3/15/2023.</p> <p>Defendant submits that this deadline, which was added by Plaintiff, is unnecessary and setting it now is premature.</p>
Amendment of Responses to Interrogatories and/or Document Requests, as necessary	<p>Plaintiff proposes that Amended Responses to Interrogatories and Document Requests be served, if necessary, on or before 4/1/2023.</p> <p>Defendant submits that this deadline, which was added by Plaintiff, is unnecessary</p>

	and setting it now is premature.
Deadline to raise discovery issues with the Court Regarding Initial Discovery Requests	<p>Plaintiff proposes that discovery disputes concerning compliance with First Interrogatories and Requests for Production of Documents be raised with the Court or before 4/15/2023.</p> <p>Defendant submits that this deadline, which was added by Plaintiff, is unnecessary and setting it now is premature.</p>
3. Requests to admit, Supplemental Requests for Production of Documents and Supplemental Interrogatories	<p>Plaintiff proposes: 8/1/2023.</p> <p>To the extent the Court accepts Defendant's proposed bifurcated discovery schedule, with respect to requests to admit, Defendant proposes May 18, 2023 for the first phase, and for the second phase, 120 days after the Court's decision granting any motion for class certification, or 60 days after the Court's decision denying any such motion. With respect to supplemental requests for production and interrogatories, Defendant submits that this deadline, which was added by Plaintiff, is unnecessary and setting it now is premature.</p>
4. Depositions	<p>Plaintiff proposes 9/30/2023 for the completion of all depositions.</p> <p>To the extent the Court accepts Defendant's proposed bifurcated discovery schedule, Defendant proposes July 14, 2023 for the first phase, and for the second phase, 180 days after the Court's decision granting any motion for class certification, or 90 days after the Court's decision denying any such motion.</p>
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ATTACHMENT B

For all causes of action seeking monetary damages, each party shall identify and quantify each component of damages alleged:

1. PLAINTIFF'S CLAIMS:

In order to prepare class action damages plaintiff will need:

1. Number of Class Members
2. Total Payroll for class on a yearly basis

2. COUNTERCLAIMS AND CROSS-CLAIMS:

Not applicable.

3. THIRD-PARTY CLAIMS:

Not applicable.